IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

RCRev..No. 191 of 2007()

RCA.29/2005 of DISTRICT COURT, KOTTAYAM
RCOP.14/2000 of ADDL.M.C.,KOTTAYAM
.....

REV.PETITIONER/APPELLANT/RESPONDENT(TENANT):

M.D.GEORGE, AGED 45 YEARS,
MANKALETTU FOOT WEARS,
ETTUMANOOR.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS: RESPONDENT/PETITIONER (LANDLORD)

T.SREELATHA, W/O.C.SASIKUMAR, AGED 48
RESIDING AT SREECHYLAM, ETTUMANOOR, KARA
ETTUMANOOR VILLAGE, KOTTAYAM TALUK,
KOTTAYAM DISTRICT.

BY

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

R.C.R.NO.191 OF 2007 ()

Dated this the 21st day of June, 2007

O R D E R

KOSHY,J.

Appellant petitioner is a tenant under the respondent. Respondent filed petition for eviction under Sections 11(3) and 11(8) of the Kerala Buildings (Lease and Rent Control) Act. Even though grounds under Sections 11(3) and 11(8) are separate, Rent Control Court found that ingredients of both sections are satisfied and petitioner is liable to be evicted. That was concurrently found by the appellate authority also. Since there are concurrent findings based on evidence, the only prayer of the petitioner is to allow some more time for vacating the building. He was running a coffee shop for long time. He seeks at least six months time. Considering the facts and circumstances of the case, time can be granted upto 31.12.2007, provided all arrears of rent, if any, as on 31.5.2007 is paid within three weeks from today and files an

affidavit before the execution court within one month from today unconditionally undertaking that he will handover vacant possession of the building before 31.12.2007 and will continue to pay monthly rents on the due dates itself till he vacates the premises. If the affidavit is not filed within the time fixed after paying the arrears as directed the order of eviction can be executed. We dismiss the revision application subject to the above directions. Since we have dismissed the revision application without notice to the respondent, Registry is directed to serve a copy of this order to the respondent at the cost of the petitioner.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

8th June, 2007